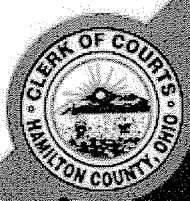


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Clerk of Courts



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Cincinnati, OH 45202

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Case Summary

Case Number: B 9309022

Case Caption: STATE OF OHIO vs. JAMES DERRICK ONEAL

Judge: RALPH WINKLER

Filed Date: 12/16/1993

Case Type: 0005 - WARRANT ON INDICTMENT

Race: BLACK - AFRICAN AMERICAN

Sex: M

Age: 52

Date of Birth: 7/10/1954

Count 1: AGGRAVATED MURDER 2903-01 ORCN

Disposition: 12/11/1995 3DOC DEPARTMENT OF CORRECTIONS

Count 2: AGGRAVATED MURDER 2903-01 ORCN

Disposition: 12/11/1995 3DOC DEPARTMENT OF CORRECTIONS

Count 3: ATTEMPT 2923-02 ORCN

Disposition: 12/11/1995 3DOC DEPARTMENT OF CORRECTIONS

Count 4: AGGRAVATED BURGLARY F1 2911-11 ORCN

Disposition: 12/11/1995 3DOC DEPARTMENT OF CORRECTIONS

Case Options



























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Case History





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Doc	Image#	Date	Description	Amount
		5/22/2007	COPY OF ENTRY DECLINING JURISDICTION AND DISMISSING APPEAL, FILED IN THE SUPREME COURT OF OHIO ON 05/02/07, SC# 2007-0080	
		1/26/2007	NOTICE OF APPEAL OF APPELLANT JAMES DERRICK O'NEAL, FILED IN THE SUPREME COURT OF OHIO ON 01/16/07, SC# 07-0080	
		12/6/2006	CRIMINAL STATE COSTS SATISFIED	
		12/1/2006	JUDGMENT ENTRY AND DECISION AFFIRMING JUDGMENT TO TRIAL COURT C-050840 12-01-06 ***COPIES SENT TO DOC AND DEFENDANT ON 12/07/06, RSR***	
		12/12/2005	COURT OF APPEALS OF HAMILTON COUNTY CASE NO. C-050840	
		12/9/2005	CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED	
		12/2/2005	COMPLETE TRANSCRIPT OF PROCEEDINGS C-050840 1 VOL.	
		10/25/2005	PRAECIPE OF DEFENDANT- APPELLANT JAMES DERRICK O'NEAL	
		10/25/2005	AFFIDAVIT OF INDIGENCY	
		10/24/2005	NOTICE OF APPEAL FILED NO. C050840 COPY SENT TO HAMILTON COUNTY PROSECUTOR	

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	11	10/12/2005	ENTRY ORDERING RETURN OF INMATE TO INSTITUTION
		9/26/2005	NOTICE OF APPEALABLE JUDGMENT SENT BY ORDINARY MAIL TO ALL PARTIES ENTITLED TO A COPY.
	12	9/26/2005	DECISION DENYING DEFT'S MOTION TO VACATE OR SET ASIDE HIS DEATH SENTENCE
		6/14/2005	POST-ATKINS HEARING BRIEF.
		6/7/2005	PETITIONER JAMES O'NEAL'S POST-HEARING BRIEF.
		5/31/2005	CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED
		5/17/2005	NOTICE OF CHANGE OF ADDRESS OF COUNSEL FOR DEFENDANT.
	2	4/6/2005	ENTRY ORDERING RETURN OF INMATE FOR HEARING
		1/27/2005	REPORT OF EXAMINER PURSUANT TO LAW. REPORT LOCATED IN CLERK OF COURTS OFFICE RM 315.
	468	10/15/2004	ENTRY APPOINTING COURT CLINIC FORENSIC SERVICES FOR EXAMINATION
	2	10/15/2004	ENTRY ORDERING RETURN OF DEFT FOR COURT PROCEEDINGS
	116	10/14/2004	ENTRY OF CONTINUANCE 1/19/05
		8/13/2004	ENTRY DISMISSING APPEAL BY AGREEMENT AND WITHOUT PREJUDICE AND REMANDING CASE TO TRIAL COURT FOR EVIDENTIARY HEARING C-040286 IMAGE# 57 08/13/2004 ***COPY SENT TO DOC AND DEFENDANT ON 08/24/04, RSR***
		6/22/2004	COURT OF APPEALS OF HAMILTON COUNTY CASE NO. C040286
		5/7/2004	NOTICE OF APPEAL FILED NO. C040286 COPY SENT TO HAMILTON COUNTY PROSECUTOR
		5/7/2004	PRAECIPE OF DEFENDANT -APPELLANT JAMES DERRICK O'NEAL
		4/8/2004	NOTICE OF APPEALABLE JUDGMENT SENT BY ORDINARY MAIL TO ALL PARTIES ENTITLED TO A COPY.
	282	4/7/2004	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ENTRY DISMISSING SUCCESSIVE PETITION FILED PURSUANT TO ATKINS V VIRGINIA
	281	4/7/2004	ENTRY OVERRULING MOTION FOR FUNDING MENTAL RETARDATION EXPERT AND DISCOVERY
		6/10/2003	DEFENDANT-PETITIONER'S REPLY MEMORANDUM IN RESPONSE TO THE PLAINTIFF'S MEMORANDUM IN OPPOSITION.
		6/3/2003	MEMORANDUM IN OPPOSITION TO FIRST SUCCESSIVE PETITION TO VACATE JUDGMENT OR SENTENCE.
		6/3/2003	MOTION TO ACCEPT RESPONSE OF PLAINTIFF INSTANTER
	243	5/8/2003	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL 5/21/03
		4/24/2003	MOTION TO EXTEND TIME TO FILE A RESPONSE TO DEFENDANT'S SUCCESSIVE PETITION TO VACATE.
	346	3/4/2003	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL MARCH 21,2003
		3/3/2003	MOTION TO EXTEND TIME TO FILE A RESPONSE TO DEFENDANT'S SUCCESSIVE PETITION TO VACATE.
	247	2/4/2003	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL 2/17/03
		2/3/2003	MOTION TO EXTEND TIME TO FILE A RESPONSE TO DEFENDANT'S SUCCESSIVE PETITION TO VACATE.
	165	1/7/2003	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL 2/3/03
		12/30/2002	MOTION TO EXTEND TIME TO FILE A RESPONSE TO DEFENDANT'S SUCCESSIVE PETITION TO VACATE.

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	212	12/10/2002	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL DECEMBER 30,2002
	242	11/26/2002	ENTRY GRANTING: ADDITIONAL TIME TO FILE RESPONSE UNTIL 12/30/02
		11/25/2002	MOTION TO EXTEND TIME TO FILE A RESPONSE TO DEFENDANT'S SUCCESSIVE PETITION TO VACATE.
		11/15/2002	FIRST SUCCESSIVE PETITION TO VACATE OR SET ASIDE JUDGMENT AND/OR SENTENCE PURSUANT TO OHIO REVISED CODE SECTIONS 2953.21 AND 2953.23
		5/15/2000	RECEIPT OF EXHIBITS 3 MANILLA ENVELOPES RECEIVED BY JERRY COSTA
		5/15/2000	RECEIPT OF RECORD OPX 1 BOX AND 1 POSTER
		5/15/2000	RECEIPT OF RECORD OPX 1 CASE FILE
		3/24/2000	COPY OF ENTRY DISMISSING APPEAL; FILED IN THE SUPREME COURT OF OHIO ON 3/8/00 SC#99-906
		3/24/2000	COPY OF JUDGMENT ENTRY AFFIRMING JUDGMENT OF THE COURT OF APPEALS; FILED IN THE SUPREME COURT OF OHIO ON 3/8/00 SC#98-1735
		3/24/2000	COPY OF MANDATE TO THE COURT OF APPEAL OF HAMILTON COUNTY, OHIO TO CARRY JUDGMENT TO EXECUTION; FILED IN THE SUPREME COURT OF OHIO ON 3/8/00 SC#98-1735
		2/22/2000	COPY OF ENTRY GRANTING STAY OF EXECUTION; FILED IN THE SUPREME COURT OF OHIO ON 2/17/00 SC#98-147
		2/18/2000	COPY OF RECONSIDERATION ENTRY DENYING MOTION; FILED IN THE SUPREME COURT OF OHIO ON 2/16/00 SC#98-147
		2/18/2000	COPY OF JUDGMENT ENTRY; FILED IN THE SUPREME COURT OF OHIO ON 1/5/00 SC#98-147
		2/18/2000	COPY OF MANDATE; FILED IN THE SUPREME COURT OF OHIO ON 2/18/00 SC#98-147
		5/14/1999	COPY OF NOTICE OF APPEAL OF APPELLANT JAMES DERRICK O'NEAL; FILED IN THE SUPREME COURT OF OHIO ON 5/10/99 SC#99-906
		3/26/1999	JUDGMENT ENTRY & DECISION AFFIRMING JUDGMENT OF TRIAL COURT (C980247 3/26/99 #114)
		8/27/1998	COPY OF NOTICE OF APPEAL OF APPELLANT JAMES DERRICK O'NEAL FILED IN THE SUPREME COURT OF OHIO ON 8/21/98 SC #98-1735
		4/20/1998	COURT OF APPEALS OF HAMILTON COUNTY CASE NO. C-980247
		3/18/1998	DOCKET STATEMENT FILED. C980247
		3/18/1998	NOTICE OF APPEAL FILED NO. C980247 COPY SENT TO HAMILTON COUNTY PROSECUTOR
213		2/17/1998	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISMISSING PETITION TO VACATE
		1/26/1998	COPY OF NOTICE OF APPEAL TO THE SUPREME COURT OF OHIO FILED ON 1/21/98 S.C. # 98-0147
51		1/16/1998	ENTRY APPOINTING COUNSEL FOR SUPREME COURT APPEAL ELIZABETH AGAR COUNSEL & ROXANN DIEFFENBACH CO-COUNSEL
		1/8/1998	DEATH PENALTY CASE. NOTICE OF APPEARANCE OF POSTCONVICTION COUNSEL.
109		12/19/1997	ENTRY APPOINTING COUNSEL FOR SUPREME COURT APPEAL ELIABETH E AGAR & ROXANN DIEFFENBACH
		12/12/1997	JUDGMENT ENTRY AFFIRMING JUDGMENT OF TRIAL COURT 12-03-97 #3 (C960392)
		9/16/1997	MOTION TO DISMISS PETITION TO VACATE
		9/3/1997	AMENDMENT TO PETITION FOR POSTCONVICTION RELIEF UNDER

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R.C. 2953.21

7/7/1997 MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING.

0173 7/7/1997 ENTRY EXTENDING TIME UNTIL 9/25/97 TO FILE RESPONSE TO POST-CONVICTION

7/2/1997 PETITION FOR POST-CONVICTION RELIEF UNCE R.C.2953.21

6/10/1997 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

5/13/1997 COMPLETE TRANSCRIPT OF PROCEEDINGS #C960392

1/3/1997 MOTION TO SUPPRESS C960392

11/1/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

11/1/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

10/30/1996 COMPLETE TRANSCRIPT OF PROCEEDINGS (PRETRIAL MOTIONS)(2 VOLS) C960392

10/29/1996 COMPLETE TRANSCRIPT OF PROCEEDINGS VOLUMES I THRU V #C960392

9/30/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

9/30/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

8/19/1996 COURT OF APPEALS OF HAMILTON COUNTY CASE NO. C-960392

0042 7/20/1996 ENTRY APPROVING COUNSEL FEES \$17000

0028 7/1/1996 ENTRY ALLOWING ADDITIONAL COMPENSATION

0294 6/15/1996 ENTRY APPROVING COUNSEL FEES \$12500

0101 6/10/1996 ENTRY ALLOWING ADDITIONAL COMPENSATION

5/22/1996 DOCKET STATEMENT FILED. C960392

5/22/1996 NOTICE OF APPEAL FILED NO. C960392 COPY SENT TO HAMILTON COUNTY PROSECUTOR

0011 5/10/1996 ENTRY RESETTNG EXECUTION DATE FROM 5/30/96 TO 11/5/96

0043 5/10/1996 ENTRY OVERRULING MOTION FOR NEW TRIAL

4/26/1996 CRIMINAL STATE COSTS SATISFIED

4/22/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

4/22/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT DEFENDANT - FILED

4/12/1996 MEMORANDUM IN SUPPORT OF MOTION FOR NEW TRIAL.

0016 12/22/1995 OPINION

0064 12/18/1995 ENTRY DENYING: DEFT'S MOTION FOR NEW TRIAL

12/14/1995 MOTION FOR NEW TRIAL.

0013 12/11/1995 JUDGMENT ENTRY: SENTENCE: INCARCERATION CT 1 AGG MURDER SENT DEATH. CT 2 AGG MURDER SENT DEATH. CT 4 AGG BURGLARY 10 TO 25YRS (10YRS ACTUAL) 3YRS ACTUAL ON FIREARM SPEC. IN CTS 1,2,& 4 CONCURR. W/EACH OTHER BUT CONSEC. TO & PRIOR TO UNDERLY.SENT IN CTS 1,2,& 4. CTS 1 & 2CONCURR. CT 4 CONSEC.CTS 1 & 2CREDIT 730DYS. PAY COSTS.

0073 12/11/1995 ENTRY GRANTING: DEFT'S MOTIONS

0017 12/11/1995 ENTRY APPOINTING APPELLATE COUNSEL. DALE SCHMIDT & ELIZABETH AGAR

0075 12/11/1995 APPLIC. REQUESTING PERMISSION TO BROADCAST,TELEVISE,PHOTO., RECORD COURTROOM PROCEEDINGS. WLWT-TV

0097 12/11/1995 ENTRY OVERRULING DEFT'S MOTIONS

0233 11/29/1995 AMENDED ENTRY AUTHORIZING APPOINTMENT OF EXPERT AND PAYMENT OF FEES FOR SAME.

0014 11/28/1995 ENTRY AUTHORIZING APPOINTMENT OF EXPERT OF PAYMENT OF

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FEES FOR SAME

0255	11/21/1995	ENTRY APPOINTMENT OF EXPERT AND PAYMENT OF FEES FOR SAME
0258	11/21/1995	ENTRY AUTHORIZING APPOINTMENT OF EXPERT & PAYMENT OF FEES FOR SAME
0131	11/8/1995	JURY VERDICT OF CT 1 WAS FOUND GUILTY OF COMMITTING IS SUFFICIENT TO OUTWEIGH THE MITIGATING FACTORPRESENT IN THIS CASE, & WE THEREFORE RECOMMEND THAT THE SSNT OF DEATH TO BE IMPOSED.
0158	11/8/1995	CAUSE CONCLUDED SENTENCE DEFERRED UNTIL 12/11/95. REMANDED.
0132	11/8/1995	JURY VERDICT OF WAS FOUND GUILTY OF COMMITTINGIS SUFFICIENT TO OUTWEIGHT THEMITIGATING FACTORS PRESENT IN THIS CASE, & WE THEREFORE RECOMMEND THAT THE SENT OF DEATH BE IMPOSED
0136	11/6/1995	CAUSE PROGRESSED 9TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 11/8/95
0093	11/2/1995	JURY VERDICT OF GUILTY AGG BURLGARY CT 4. WE, THE JURY FURTHER FIND THATTHE DEFT DID HAVE ON OR ABOUT HIS PERSON, OR UNDER HIS CONTROL, A FIREARM WHILE COMMITTING THE OFFENSE OF AGG BURGLARY
0095	11/2/1995	JURY VERDICT OF NOT GUILTY OF AGG MURDER IN CT 3
	11/2/1995	FURTHER FIND THAT THE DEFT DIDHAVE ON OR ABOUT HIS PERSON, OR UNDER HIS CONTROL, A FIREARM WHILE COMMITTING THE OFFENSE OF AGG MURDER IN CT 2
	11/2/1995	AS SET FORTHE IN CP 2 CT 1 TO WIT' THAT THE DEFT AS THE PRINCIPAL OFFENDER COMMITTED THE OFFENSE OF AGG MURDER OF CAROL ANN LEE O'NEAL WHILE THEDEFT WAS COMMITTING OR ATTEMPTING TO COMMIT OR FLEEINIMMEDIATELY AFTER COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF AGG. BURGLARY. WE
0200	11/2/1995	CASE CONT' IN PROGRESS UNTIL 11/6/95.
0201	11/2/1995	JUDGMENT OF ACQUITTAL OF VERDICT *** CT 3 & SPEC TO CT 3 & SPEC 1 TO EACH CTS 1 & 2 ONLY ***
0114	11/2/1995	CAUSE PROGRESSED 8TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 11/6/95
	11/2/1995	THE JURY FURGERH FIND THAT THEDEFT DID HAVE ON OR ABOUT HIS PERSON, OR UNDER HIS CONTROL, A FIREARM WHILE COMMITTING THEOFFENSE OF AGG MURDER IN CT 1
0100	11/2/1995	JURY VERDICT OF GUILTY AGG MURDER IN CT 1. WE,THE JURY FURTHER FIND THE DEFTNOT GUILTY OF AGG CIRCUMSTANCESAS SET FORTH IN SPEC 1 TO CT 1TO WIT; A COURSE OF CONDUCT INVOLVING THE PURPOSEFUL KILLING OR ATTEMPT TO KILL TWOOR MORE PERSONS BY DEFT. WE THE JURY FURTHER FIND DEFT GUILTY OF THE AGG CIRCUMSTANCE
	11/2/1995	IN SPEC 2 TO CT 2 TO WIT' THAT THE DEFT AS THE PRINCIPALOFFENDER COMMITTED THE OFFENSEOF AGG MURDER OF CAROL ANN LEE O'NEAL WHILE THE DEFT WAS COMMITTING OR ATTEMPTING TO COMMIT OR FLEEING IMMEDIATELY AFTER COMMITTING OR ATTEMPTINGTO COMMIT THE OFFENSE OF AGG. BURLGLARY. WE, THE JURY
0096	11/2/1995	JURY VERDICT OF GUILTY AGG MURDER CT 2. WE,THEJUEY FIND THE DEFT NOT GUILTY OF AGG CIRCUSTANCES AS SET FORTH IN SPEC NO 1 TO CT 2 TO WIT: A COURSE OF CONDUCT INVOLVING THE PURPOSEFUL KILLING OR ATTPT TO KILL TWO OR MORE PERSONS. WE, THE JURY FIND THE DEFT GUILTY OF THE AGG CIRCUMSTANCES AS SET FORTH
0168	11/1/1995	CAUSE PROGRESSED 6TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 11/1/95
0231	11/1/1995	CAUSE PROGRESSED 7TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 11/2/95

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10/30/1995 DEFENDANT'S REQUEST FOR ADDITIONAL INSTRUCTION.

0341 10/30/1995 CAUSE PROGRESSED 5TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 10/31/95

0259 10/27/1995 CAUSE PROGRESSED 4TH DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 10/30/95

0457 10/26/1995 CAUSE PROGRESSED 3RD DAY CONTINUED TO 10/27/95

0310 10/25/1995 ORDER FOR JURY TO VIEW PREMISES

0386 10/25/1995 JURY IMPANELED AND SWORN ON VOIR DIRE JURY IMPANELED & SWORN

0387 10/25/1995 CAUSE PROGRESSED 2ND DAY, TESTIMONY ADDUCED IN PART & CONT' UNTIL 10/26/95

0172 10/24/1995 ENTRY REQUESTING OFFICIAL STENOGRAPHER

0175 10/24/1995 CAUSE PROGRESSED 1ST DAY, JURY SELECTION IN PROGRESS TESTIMONY ADDUCED IN PART & CONT' UNTIL 10/25/95

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED JAMIE WRIGHT

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANDRE GRIFFIN

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED RICARDO LEE

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED LASHAUNDA LEE

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLARENCE CODY

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED SANCHEZ LEE

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED PATRICIA CARR

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED TIMOTHY SCHOPMEYER

9/25/1995 SUBPOENA FOR WITNESS ISSUED TO PATRICIA CARR JAMIE WRIGHT TIMOTHY SCHOPMEYER SANCHEZ LEE LASHAUNDA LEE CLARENCE CODY RICARDO LEE ANDRE GRIFFIN

8/24/1995 SUBPOENA FOR WITNESS ISSUED TO NATALIE LEE, ANDRE GRIFFIN RETHA LEE, RICARDO LEE CLEMY LEE, CLARENCE CODY LASHAUNDA LEE, SANCHEZ LEE PATRICIA CARR, PATRICIA CARR ANITA ARTIS, DANTOINE POSEY JAMIE WRIGHT, TIMOTHY SCHOPMEYER

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED NATALIE LEE

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANDRE GRIFFIN

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLEMY LEE

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLARENCE CODY

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED RETHA LEE

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANITA ARTID

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED TIMOTHY SCHOPMEYER

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED DANTOINE POSEY

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED PATRICIA CARR

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED RICARDO LEE

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8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED LASHAUNDA LEE

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED SANCHEZ LEE

8/24/1995 SUBPOENA FOR WITNESS RETURNED AND ENDORSED JAMIE WRIGHT

0508 8/3/1995 SUPREME COURT OF OHIO ENTRY DENIES LEAVE FOR APPEAL & APPEAL IS DISMISSED

0127 7/26/1995 ENTRY OF CONTINUANCE 10/23/95

0023 5/4/1995 ENTRY APPOINTING COUNSEL FOR SUPREME COURT APPEAL

0430 5/1/1995 ENTRY OF CONTINUANCE 8/21/95

4/26/1995 JUDGMENT ENTRY & OPINION REVERSING JUDGMENT & REMANDING TO TRIAL COURT (C940652 4/26/95 #2)

0009 11/2/1994 ENTRY

0010 11/2/1994 ENTRY

10/27/1994 APPLICATION FOR PAYMENT OF MITIGATION SPECIALIST

9/14/1994 COURT OF APPEALS OF HAMILTON COUNTY CASE NO. C-940652

0018 8/16/1994 ENTRY APPOINTING APPELLATE COUNSEL. ELIZABETH E AGAR

0023 8/16/1994 ENTRY GRANTING: DISMISSAL & STAY TOLLING TIME FOR PURPOSES OF APPEAL

8/16/1994 DOCKET STATEMENT FILED. C940652

0064 8/16/1994 APPLIC. REQUESTING PERMISSION TO BROADCAST,TELEVISION,PHOTO., RECORD COURTROOM PROCEEDINGS. CINTI POST

0127 8/16/1994 ENTRY OF CONTINUANCE 8/16/94

8/16/1994 NOTICE OF APPEAL FILED NO. C940652 COPY SENT TO HAMILTON COUNTY PROSECUTOR

8/11/1994 STATE'S RESPONSE TO DEFENDANT'S DEMAND FOR DISCOVERY.

8/11/1994 MOTION WITHDRAWING DEFENDANT'S REQUEST FOR THREE JUDGE PANEL AND REQUESTING A TRIAL BY JURY

0157 8/11/1994 ENTRY WITHDRAWING REQUEST FOR THREE JUDGE PANEL & REQUESTING JURY TRIAL

7/28/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED DANTOINE POSEY

7/25/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED NATALIE LEE

7/25/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANITA ARTIS

7/25/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ARLENE BENNETT

7/25/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED KENNETH TAYLOR

7/25/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED TIMOTHY SCHOPMEYER

7/22/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED DWIGHT HILL

7/22/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF CLERMONT COUNTY SERVED KAREN HUDSON

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED JAMIE WRIGHT

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ROBERT WILLIAMS

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED LASHAWADA LEE

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7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLARENCE CODY

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED RICHARDO LEE

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLEMY LEE

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANDRE GRIFFIN

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED SANCHEZ LEE

7/21/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED PATRICIA CARR

7/20/1994 SUBPOENA FOR WITNESS ISSUED TO CLEMY LEE, NATALIE LEE, ANDRE GRIFFIN, RICHARDO LEE, CLARENCE CODY, LASHAWNDA LEE, SANCHEZ LEE, ROBERT WILLIAMS, KENNETH TAYLOR, ANITA ARTIS, PATRICIA CARR, DANTOINE POSEY, JAMIE WRIGHT, ARLENE BENNETT, DWIGHT HILL, TIMOTHY SCHOPMEYER

7/20/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED BY FOREIGN SHERIFF CLERMONT COUNTY SERVED KAREN HUDSON

7/20/1994 SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS KAREN HUDSON

0170 6/16/1994 ENTRY OVERRULING MOTION TO SUPPRESS.

0167 5/27/1994 ENTRY OF CONTINUANCE 6/16/94

0009 5/26/1994 ENTRY AUTHORIZING APPOINTMENT OF EXPERT AND PAYMENT OF FEES FORSAME

0074 5/9/1994 ENTRY OF CONTINUANCE 8/15/94

0187 5/6/1994 CERTIFICATION BY TRIAL ATTYS- DEATH PENALTY CASE JURY WAIVER

5/5/1994 STATE'S RESPONSE TO MOTION TO DISMISS

4/29/1994 MOTION TO DISMISS AGGRAVATED BURGLARY(2911.11,R.C.) SPECIFICATION 2 TO COUNT 1: SPECIFICATION 2 TO COUNT 2

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY EVIDENCE BEARING ON THE CHARACTER OF THE VICTIM

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION FOR WRITTEN JURY INSTRUCTION

4/25/1994 STATE'S RESPONSE TO DEFENDANTS MOTION TO ALLOW DEFENSE TO VIEW CRIME SCENE

4/25/1994 STATE'S RESPONSE TO DEFENDANTS MOTION TO PRESERVE AND CATALOGALL PHYSICAL EVIDENCE

4/25/1994 STATE'S RESPONSE TO DEFENSE MOTION TO ALLOW DEFENSE TO ARGUE FIRST AND LAST

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO HAVE REASONS FOR DEFENSE OBJECTIONSAND REASONS FOR OVERRULING DEFENDANT'S OBJECTIONS PLACED OF RECORD

4/25/1994 STATE'S RESPONSE TO MOTION TO COMPEL DISCLOSURE OF PROSECUTING ATTORNEY'S JURY SELECTION DATA

4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION TO INSTRUCT THE JURY TO CONSIDER MERCY IN ITS MITIGATION PHASE DELIBERATIONS

4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION TO APPOINT NEUROPSYCHOLOGIST

4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS

4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION FOR COMPREHENSIVE VOIR DIRE

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4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO LIMIT PROSECUTOR'S ARGUMENT TO THE AGGRAVATING CIRCUMSTANCES PROVEN AT THE FIRST PHASE

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL LAW ENFORCEMENT OFFICIALS TO TURN OVER AND ADVISE PROSECUTING ATTORNEY OF ALL INFORMATION ACQUIRED DURING THE COURSE OF INVESTIGATION

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE

4/25/1994 STATE'S REPLY IN OPPOSITION TO THE DEFENDANT'S MOTION FOR DISCLOSING WITNESS STATEMENTS PRIOR TO TRIAL

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO EXCLUDE REFERENCES TO DEFENDANT'S CRIMINAL RECORD AND TO EXCLUDE ANY EVIDENCE RELATING TO OTHER CRIMES, WRONGS OR ACTS.

4/25/1994 STATE'S REPLY TO DEFENDANT'S MOTION TO PROHIBIT DEATH QUALIFICATION OF JURY

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO PROHIBIT DISPLAY OF EVIDENTIARY EXHIBITS UNTIL ADMITTED

4/25/1994 STATE'S RESPONSE TO MOTION RULING ON NUMBER OF PEREMPTORY CHALLENGES

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO INSULATE THE VENIRE AND JURY

4/25/1994 STATE'S RESPONSE TO MEMORANDUM FOR SEQUESTRATION OF JURORS FOR DURATION OF TRIAL

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO REQUIRE THE JURY TO ARTICULATE THE METHOD BY WHICH IT WEIGHS THE AGGRAVATING CIRCUMSTANCES AGAINST THE MITIGATING FACTORS

4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL PROSECUTOR TO DISCLOSE DEATH PENALTY DATA

0059 4/19/1994 ENTRY AUTHORIZING APPOINTMENT OF EXPERT AND PAYMENT OF FEES FOR SAME

0061 4/19/1994 ENTRY WITHDRAWING JURY DEMAND & REQUESTING THREE-JUDGE PANEL

4/15/1994 MOTION TO SUPPRESS EVIDENCE INCLUDING BUT NOT LIMITED TO STATEMENTS AND PHYSICAL EVIDENCE ON THE GROUNDS THAT IT WAS ILLEGALLY OBTAINED

4/15/1994 MOTION TO EMPLOY EXPERTS AND AUTHORIZE PAYMENT OF FEES OF SAME

4/15/1994 MOTION IN LIMINE TO PROHIBIT ANY EVIDENCE BEARING ON THE CHARACTER OF THE VICTIM.

4/11/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED JAMIE WRIGHT,

0030 4/8/1994 ENTRY ORDERING RELEASE OF RECORDS.

4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED FCLARENCE CODY,

4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ARLENE BENNETT,

4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED TOMOTHY SCHOPMEYER,

4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED DARION LEE,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED KENNETH TAYLOR,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED LASHAWNDA LEE,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED DWIGHT HILL,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED NATALIE LEE,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED RICARDO LEE,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED SANCHEZ LEE,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ROBERT WILLIAMS,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED PATRICIA EARR,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANITA ARTIS,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED ANDRE GIFFIN,
4/8/1994 SUBPOENA FOR WITNESS RETURNED AND ENDORSED CLEMY LEE,
4/6/1994 SUBPOENA FOR WITNESS ISSUED TO CLEMY LEE NATALIE LEE ANDRE GIFFIN RICARDO LEE CLARENCE CODY LASHAWNDA LEE SANCHEZ LEE ROBERT WILLIAMS KENNETH TAYLOR ANITA ARTIS
4/6/1994 SUBPOENA FOR WITNESS ISSUED TO PREPAID WITNESS KAREN HUDSON
4/6/1994 SUBPOENA FOR WITNESS ISSUED TO PATRICIA FARR DARION LEE JAMIE WRIGHT ARLENE BENNETT DWIGHT HILL TIMOTHY SCHOPMEYER
3/28/1994 MOTION TO COMPEL DISCLOSURE OF PROSECUTING ATTORNEY'S JURY SELECTION DATA,
3/28/1994 MOTION FOR A RULING ON NUMBER OF PEREMPTORY CHALLENGES,
3/28/1994 MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE,
3/28/1994 MOTION TO HAVE REASONS FOR DEFENSE OBJECTING AND REASONS FOR OVERRULING DEFENSE OBJECTIONS PLACED ON RECORD,
3/28/1994 MOTION TO COMPEL LAW ENFORCEMENT OFFICIALS TO TURN OVER ADVISE PROSECUTING ATTORNEY OF ALL INFORMATION ACQUIRED DURING COURSE OF INVESTIGATION,
3/28/1994 MOTION FOR SEQUESTRATION OF JURORS FOR DURATION OF TRIAL,
3/28/1994 MOTION IN LIMINE TO EXCLUDE REFERENCES TO DEFENDANT'S CRIMINAL RECORD,
3/28/1994 MOTION TO PROHIBIT PROSECUTOR FROM ARGUING, AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE,
3/28/1994 MOTION TO INSTRUCT THE JURY TO CONSIDER MERCY IN THEIR MITIGATION PHASE DELIBERATIONS
3/28/1994 MOTION TO PROPERLY PRESERVE AND CATALOG ALL PHYSICAL EVIDENCE,
3/28/1994 MOTION TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION
3/28/1994 MOTION TO ALLOW THE DEFENSE TO ARGUE FIRST AND LAST AT THE MITIGATION PHASE,

MOTION TO REQUIRE THE JURY TO ARTICULATE THE METHOD BY

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3/28/1994 WHICHIT WEIGHS THE AGGRAVATING AGAINST THE MITIGATING CIRCUMSTANCES,

3/28/1994 MOTION TO SUBMIT JURY QUESTIONNAIRE,

3/28/1994 REQUEST FOR NOTICE OF INTENT TO USE EVIDENCE,

3/28/1994 MOTION TO PROHIBIT DEATH- QUALIFICAITON OF JURY; IN THE ALTERNATIVE,IF NECESSARY.TO SEAT A SEPARATE JURY DURING PENALTY PHASE OF TRIAL,

3/28/1994 MOTION FOR DISCLOSURE OF WITNESS STATEMENTS PIOR TO TRIAL,

3/28/1994 MOTION TO INSULATE THE VENIRE AND JURY,

3/28/1994 MOTION IN LIMINE TO PROHIBIT DISPLAY OF EVIDENTIARY EXHIBIT UNTIL PROFFERED,

3/28/1994 MOTION FOR COMPREHENSIVE VIOR DIRE,

3/28/1994 MOTION IN LIMINE TO LIMIT PROSECUTORSARGUMENT TO THE AGGRAVATING CIRCUMSTANCE PROVEN AT THE GUILT PHASE,

3/28/1994 MOTION FOR WRITTEN JURY INSTRUCTION AND OPPORTUNITY TO REVIEW,

3/28/1994 MOTION FOR AN ORDER TO ALLOW DEFENSE TO VIEW CRIME SCENE,

3/28/1994 MOTION TO COMPEL PROSECUTING ATTORNEYTO DISCLOSE DEATH PENALTY DATA

0261 2/4/1994 ENTRY OF CONTINUANCE 2/24/94

0098 1/31/1994 ENTRY APPOINTING MITIGATION SPECIALIST

1/24/1994 OPPOSITION TO DEFENDANT'S MOTION TO EMPLOY PSYCHOLOGIST.

1/14/1994 STATE'S RESPONSE TO DEFENDANT'S DEMAND FOR DISCOVERY.

0206 1/14/1994 ENTRY OF CONTINUANCE 6/6/94

1/10/1994 MOTION TO EMPLOY EXPERTS AND AUTHORIZE PAYMENTS OF FEES OF SAME.

0165 1/7/1994 ENTRY OF CONTINUANCE 1/14/94

12/28/1993 DEMAND FOR DISCOVERY

12/28/1993 REQUEST FOR BILL OF PARTICULARS

12/27/1993 NOTICE TO SUPREME COURT OF OHIO OF FILING OF INDICTMENT CHARGING AGGRAVATED MURDER W/SPEC (S) OF AGGRAVATING CIRCUMSTANCES 2929.021A R.C.

0009 12/22/1993 PLEA OF NOT GUILTY ENTERED AT ARRAIGNMENT. \$1,000,000

0009 12/22/1993 COUNSEL ASSIGNED DALE SCHMIDT & JOHN KELLER

0014 12/22/1993 APPOINTMENT OF TRIAL COUNSEL IN A CAPITAL CASE DALE G SCHMIDT & JOHN T KELLER

0114 12/22/1993 APPLIC. REQUESTING PERMISSION TO BROADCAST,TELEWISE,PHOTO., RECORD COURTROOM PROCEEDINGS. CINTI POST

0236 12/22/1993 ENTRY OF CONTINUANCE 1/7/94

0113 12/22/1993 APPLIC. REQUESTING PERMISSION TO BROADCAST,TELEWISE,PHOTO., RECORD COURTROOM PROCEEDINGS. CINTI. ENQUIRER

12/21/1993 SIMON L. LEIS JR., SHERIFF: I HAVE IN CUSTODY AND HAVE SERVED COPY OF INDICTMENT ON SAID DEFENDANT BY PAUL COSGROVE DEPUTY

0068 12/20/1993 ENTRY APPOINTING COUNSEL DALE SCHMIDT

12/16/1993 INDICTMENT REPORTED AND FILED. INDICTMENT FOR AGGRAVATED MURDER 2903.01 R.C. (CAPITAL) W/SPEC; ATTEMPT (AGGRAVATED MURDER) 2923.02 R.C. W/SPEC; AGGRAVATED BURGLARY 2911.11

R.C. W/SPEC

12/16/1993 PRECIPE FOR WARRANT FILED AND WARRANT ISSUED.

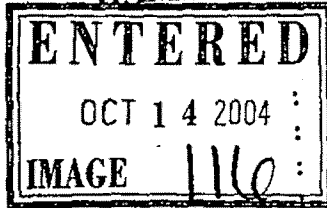
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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO



ENTER
OCT 14 2004
MARK R SCHWEIKERT

STATE OF OHIO

Plaintiff

CASE NO. B- 939022

JUDGE MARK R. SCHWEIKERT

-v-

JAMES O'NEAL

Defendant

ENTRY OF CONTINUANCE

THIS MATTER IS HEREBY CONTINUED:

- _____ : AT THE REQUEST OF THE STATE
_____ : AT THE REQUEST OF THE DEFENDANT
☒ : BY AGREEMENT OF COUNSEL FOR THE STATE
AND COUNSEL FOR THE DEFENDANT
_____ : ON THE COURT'S ORDER

AND WITH THE COURT'S CONSENT TO THE 19 DAY OF JAN, 2005
AT 2:30 AM/PM FOR THE PURPOSE OF:

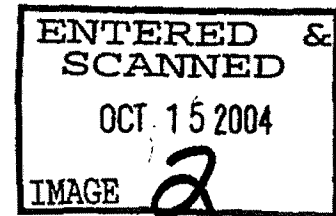
- _____ : DSC
_____ : PLEA
_____ : PLEA OR TRIAL SETTING
_____ : TRIAL
_____ : SENTENCING
_____ : MOTION
☒ : OTHER

FOR THE REASON THAT: _____

Judith McQueen
Assistant Prosecuting Attorney

John Gideon
Attorney for the Defendant
Michael A. Kelt

Untitled
THE STATE OF OHIO, HAMILTON
COUNTY COURT OF COMMON PLEAS



STATE OF OHIO : CASE NO. B9309022

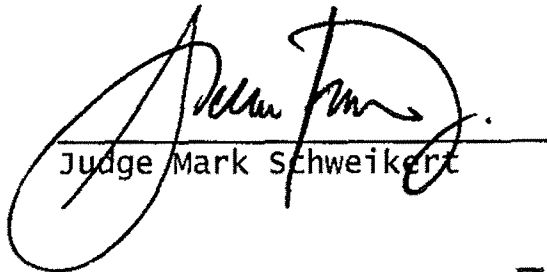
VS : JUDGE SCHWEIKERT

JAMES ONEAL : ENTRY ORDERING
IMATE # A325132 : RETURN OF DEFENDANT
FOR COURT PROCEEDINGS

:

The Sheriff of Hamilton County, Ohio is hereby ordered to obtain custody of the above Defendant who is presently situated at the Mansfield Correctional Inst. and return the Defendant to the Hamilton County Courthouse for the purpose of evaluation by court clinic. Please return James Oneal from December 3, 2004 for evaluation and return the defendant to Mansfield Correctional Inst. on December 17, 2004.

The Hamilton County Sheriff shall maintain custody of the Defendant until further order of court.



Judge Mark Schweikert

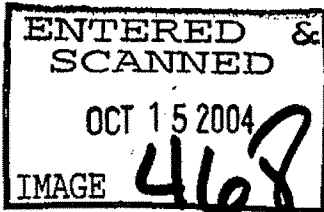
ENTER

OCT 14 2004

MARK R SCHWEIKERT

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THE STATE OF OHIO, HAMILTON COUNTY
COURT OF COMMON PLEAS



STATE OF OHIO



D61164628

vs.

James D O'Neal

JUDGE

CASE NO.

B. 4309022

JUDGE

Schweickert

ENTRY APPOINTING COURT CLINIC
FORENSIC SERVICES FOR
EXAMINATION

This case has come before the Court and the Court, being fully advised, is of the opinion that psychiatric examination is necessary to assist the Court in determining the proper disposition of the case.

IT IS THEREFORE THE COURT'S ORDER that Defendant be examined by the Court Clinic Forensic Services, and the said Psychiatric Center is hereby appointed for that purpose pursuant to the Ohio Revised Code.

IT IS THE FURTHER ORDER OF THE COURT that said Psychiatric Center, upon completion of such examination, shall report in writing, to the Court, the facts found and an interpretation thereof, including conclusions as to the mental condition of said Defendant, and such recommendations, suggestions and opinions as professional judgment indicates may be of help to this Court. If the examiner is evaluating for competency and reports the Defendant is presently incompetent to stand trial, the examiner shall further report as to whether there is a substantial probability that the Defendant will become competent to stand trial within one (1) year if the Defendant is provided with a course of treatment, and if in the examiner's opinion, the Defendant is mentally ill or mentally retarded and the examiner's recommendation as to the least restrictive treatment alternative.

THE STATE OF OHIO, HAMILTON COUNTY
COURT OF COMMON PLEAS

STATE OF OHIO
Plaintiff
VS.
CASE NO. B 93091022
JUDGE Schweikert
ENTERED &
SCANNED
APR 6 - 2005
IMAGE 2

James Derrick O'Neal ENTRY ORDERING RETURN OF
INMATE FOR HEARING

Upon Motion coming before the Court and for good cause shown, the Court
hereby orders Mansfield (Muncie) Margaret Bradshaw to deliver
James Derrick O'Neal # 325132
Inmate Inmate Number

Into the custody of the Hamilton County Sheriff, to be transported to

Hamilton County, Ohio, to be present on 5-17-05

Before Judge Schweikert.

Mark R. Schweikert
JUDGE

Hamilton County Common Pleas Court

ENTER

APR 05 2005

MARK R. SCHWEIKERT
O'Neal Apx. Vol. X
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IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff,

CASE NO. B-939022

v

JUDGE MARK R SCHWEIKERT

JAMES DERRICK O'NEAL,

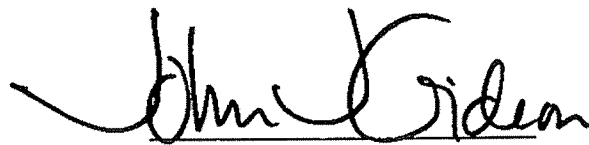
DEATH PENALTY CASE

Defendant.

NOTICE OF CHANGE OF ADDRESS
OF COUNSEL FOR DEFENDANT

The undersigned counsel for Defendant James Derrick O'Neal hereby notifies the Court and counsel of his change of address. Counsel's new address is as shown below his signature

Respectfully submitted,



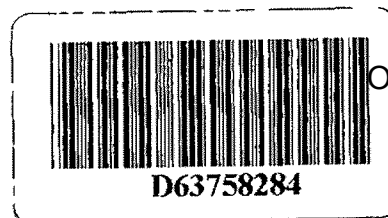
JOHN J GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 844-3954

COUNSEL FOR DEFENDANT

FILED


2005 MAY 17 P 1:05

CLERK OF COURT
HAMILTON COUNTY, OH
JULY 11 2005



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Change of Address Of Counsel For Defendant was served on Philip R. Cummings, Assistant Prosecuting Attorney, Hamilton County Prosecuting Attorney's Office, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202, and on Michael W. Krumholtz, Bieser, Greer & Landis LLP, 6 North Main Street-Suite 400, Dayton, Ohio 45402-1908, by regular U.S. Mail, postage prepaid, on this 9th day of March, 2005


JOHN J. GIDEON (0008151)
Counsel for Defendant

o'neal noticeofchangeofaddressofcounselfordefendant-cpc-Mar05



D63910700

FILED
Criminal Division

MAY 31 2005

HAMILTON COUNTY
GREGORY HARTMANN
CLERK OF COURTS

FORM 762

Clerk of Courts

Hamilton County, Ohio

Cincinnati, Ohio,

To Suborn Kahle 5/19/05
806-808224
Transcript in case of St. James O'Neal No B-9309022

No Pages	<u>61</u>	at	<u>3.25</u>	<u>228</u>	<u>75</u>
1st Copy	<u>61</u>		<u>.15</u>	<u>9</u>	<u>15</u>
2nd Copy					
Ordered for use of	<u>PROS. / COURT</u>			<u>237</u>	<u>90</u>
Total in words	<u>two hundred & thirty-seven dollars</u>			<u>90</u>	<u>00</u>

Received Payment, _____

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CRIMINAL DIVISION

2005 JUN -7 P 1:18

STATE OF OHIO
Plaintiff-Respondent,

CASE NO. B-939022

JUDGE MARK R. SCHWEIKERT

DEATH PENALTY CASE

v.

JAMES DERRICK O'NEAL,

Defendant-Petitioner.

PETITIONER JAMES O'NEAL'S POST-HEARING BRIEF

On May 17, 2005 the Court held an evidentiary hearing on Petitioner James O'Neal's petition for postconviction relief under R.C. 2953.21. Petitioner hereby submits his post-hearing brief on the issue raised in the petition.

Procedural Posture

Petitioner was convicted of aggravated murder and sentenced to death by this Court on December 11, 1995. Petitioner's conviction and sentence of death were affirmed by the Court of Appeals of Hamilton County, First Appellate District, on December 12, 1997. State v. O'Neal, Hamilton App. No. C-960392, 1997 Ohio App. LEXIS 5510 (1997)(unreported). The Ohio Supreme Court affirmed the conviction and sentence of death on January 5, 2000. State v. O'Neal, 87 Ohio St.3d 402, 721 N.E.2d 73 (2000). On January 18, 2000 Petitioner filed a motion for reconsideration of the Ohio Supreme Court's decision on direct appeal. Reconsideration was denied on February 16, 2000. State v. O'Neal, 88 Ohio St.3d 1428, 723 N.E.2d 1115 (2000). Petitioner O'Neal's conviction and sentence became final on May 21, 2001 when the United

